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Counsel for Plaintiffs

Global Weather Productions, LLC, Brett Adair,

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

GLOBAL WEATHER PRODUCTIONS, LLC,
BRETT ADAIR, KANNON KALTON and
REED TIMMER,

Plaintiffs,

v.

TIM LOVE and AUSTRALIAN NEWS
CHANNEL PTY LTD,

Defendants.

CASE NO.: 3:25-cv-05724

**COMPLAINT FOR INTELLECTUAL
PROPERTY INFRINGEMENT AND FALSE
COPYRIGHT MANAGEMENT
INFORMATION**

(INJUNCTIVE RELIEF DEMANDED)

GLOBAL WEATHER PRODUCTIONS, LLC, BRETT ADAIR, KANNON KALTON and REED TIMMER (“Plaintiffs”) by and through their undersigned counsel, hereby bring this Complaint against Defendants AUSTRALIAN NEWS CHANNEL PTY LTD and TIM LOVE (collectively referred to herein as “Defendants”) who operate the YOUTUBE CHANNEL named SKY NEWS AUSTRALIA, for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiffs bring this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to reproduce, publicly perform, and distribute Plaintiffs' original copyrighted works

of authorship and for removal or alteration of copyright management information in violation of 17 U.S.C. § 1202.

JURISDICTION AND VENUE

2. This is an action arising under the Copyright Act, 17 U.S.C. §§ 501, 1202.

3. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

4. Defendants are subject to personal jurisdiction in California and jurisdiction is proper in this district court.

5. Jurisdiction is proper in California because Defendants are transacting business within California by using the YouTube platform that Google operates from within California to (a) commit acts of infringement, (b) profit from acts of infringement, (c) commit CMI violations, and (d) profit from CMI violations.

6. Jurisdiction is proper in California because Defendants committed tortious acts within California on the YouTube platform that Google operates in California. Defendants: (a) committed acts of infringement alleged below in California on the YouTube platform, and (b) committed CMI falsification and removal violations alleged below in California on the YouTube platform.

7. Jurisdiction is proper in California because Defendants caused Plaintiffs to suffer a tortious injury in this state caused by an act or omission outside this state. The acts or omissions that the Defendants committed outside the state consisted of: (a) downloading Plaintiffs' copyrighted videos, (b) copying Plaintiffs' copyrighted videos, (c) editing and creating derivative works of Plaintiffs' copyrighted videos, and (d) removing and falsifying Plaintiffs' copyright management information. All these acts caused Plaintiffs to suffer tortious injury in California because after committing these acts, Defendants then uploaded the infringing videos to YouTube and displayed/performed the infringing videos on the YouTube platform with false CMI. Defendants then profited from their acts by receiving advertising revenue from infringing videos, and damaged Plaintiffs by depriving Plaintiffs of the revenue that rightfully belonged to Plaintiffs and not Defendant.

1 14. GWP's videos of extreme weather events are frequently copied, downloaded, and
2 reuploaded by infringers. GWP's videos are a popular and frequent source of footage of weather
3 events that cannot be obtained elsewhere. This makes GWP a frequent target for infringers and
4 pirates.

5 15. GWP is a Wyoming Limited Liability Company. GWP was founded May 31, 2023.
6 Michael Brandon Clement is the sole proprietor/owner of GWP.

- 7 a. MICHAEL BRANDON CLEMENT ("Clement") is an award-winning
8 videographer and drone pilot that has licensed content to hundreds of media
9 outlets globally. He has been documenting extreme weather for almost 30
10 years. He has been featured on Netflix, HBO and many other documentaries.
11 His company WXchasing has a well-established brand and large following on
12 social media. His content has amassed Billions of views. Mr. Clement has
13 assisted with first responders, charities and regularly provides ground truth to
14 the National Weather Service and major media outlets relaying vital
15 information to the public.
- 16 b. JONATHAN PETRAMALA ("Petramala") is a professional storyteller and
17 has a degree in journalism. He has a large social media network following
18 documenting his stories during and after major weather events. Jonathan has
19 worked from local to national media spanning more than two decades and has
20 performed water rescues, pulled people trapped from tornado debris and
21 helped people out of a trapped car. His content has been viewed hundreds of
22 millions of times and been licensed to news outlets globally. Mr. Petramala
23 was also the writer and director in multiple documentaries and been featured
24 in other documentaries. Jonathan has been a professional journalist for over 20
25 years and shifted his focus to extreme weather and storytelling in 2018. Since
26 then, he has chased a variety of events, including flash floods, tornadoes, and
27 hurricanes. His first tornado chase was in Tescott, Kansas, in May 2018
28

1 during a severe weather outbreak, and he intercepted his first major hurricane,
2 Hurricane Florence, later that same year.

3 16. BRETT ADAIR ("Adair") is a professional videographer and meteorologist who
4 travels to capture the most extreme weather on the planet. His content has been seen on most major
5 news outlets globally; he has been featured on Netflix as well as other documentaries. He has been
6 licensing content globally for over a decade. Mr. Adair's live streams and coordination with the
7 National Weather Service have allowed faster and more accurate warnings as well as being the first
8 on the scene in response to disasters.

9 17. KANNON KALTON ("Kalton") is an extreme storm chaser and weather
10 videographer with over six years of experience documenting severe weather events across the United
11 States. His work focuses on capturing high-impact storm footage and collecting scientific data to
12 support the advancement of weather forecasting and public safety. Mr. Kalton licenses his media to
13 major outlets, including The Weather Channel, and provides critical visual data and timestamps to
14 the National Weather Service to aid in tornado path analysis and verification. His documentation of
15 weather-related phenomena serves both public information efforts and the scientific community.

16 18. REED TIMMER ("Timmer") is a meteorologist with a PHD and famous storm
17 chaser. Dr. Timmer was featured in "Storm Chasers" television show on Discovery Channel and has
18 worked with local, national and international media for decades. His live streams of weather events
19 have undoubtedly saved many lives by providing outstanding coverage in real time. Dr. Timmer has
20 one of the largest and most valuable extreme weather libraries in the world and has traveled to many
21 countries to document storms. Dr. Timmer also has a very large social media presence with several
22 million followers/subscribers and supporters that help finance his endeavors. Dr. Timmer has a long
23 history of rescuing people from tornado damage to floods to blizzards. Dr. Timmer is also the only
24 person to ever shoot a rocket into a tornado and capture extremely rare data from inside of a tornado.
25 Having intercepted over 1000 tornadoes and a dozen powerful hurricanes since he started chasing 20
26 years ago, Reed Timmer is well-known as the most successful and extreme storm chaser in the
27 world, and is one of the few people in existence to document both an F5 tornado, and the most
28 devastating hurricane in U.S. history (Hurricane Katrina). Plaintiffs' videos of extreme weather

1 events are frequently copied, downloaded, and reuploaded by infringers. Plaintiffs are popular and
2 frequent sources of footage of weather events that cannot be obtained elsewhere. This makes
3 Plaintiffs frequent targets for infringers and pirates.

4 19. Plaintiffs' videos of extreme weather events are frequently copied, downloaded, and
5 reuploaded by infringers. Plaintiffs are popular and frequent sources of footage of weather events
6 that cannot be obtained elsewhere. This makes Plaintiffs frequent targets for infringers and pirates.

7 20. Plaintiffs operate popular and valuable YouTube channels on the YouTube platform.

8 21. Plaintiffs' YouTube channels are viewed by substantial numbers of California
9 residents who also view advertising placed on the videos on those channels by YouTube.

10 22. When infringement occurs to Plaintiffs' copyrighted Works, Plaintiffs are injured and
11 damaged in California. When someone infringes on Plaintiffs' copyright like Defendants, Plaintiffs
12 lose out on potential sales or licensing revenue to other California businesses. When Plaintiffs'
13 copyrighted work is infringed upon and widely distributed on YouTube without Plaintiffs'
14 permission like Defendants did, it damages Plaintiffs' reputation as a professional source of valuable
15 extreme weather video content and makes it more difficult for Plaintiffs to negotiate valuable
16 licenses from clients and potential clients in California in the future.

17 YOUTUBE AND GOOGLE LLC

18 23. YouTube is a video-sharing platform where users can watch, upload, and share
19 videos. It is one of the most popular websites in the world, with over two billion active users.

20 24. Google LLC owns YouTube.

21 25. YouTube is headquartered in this judicial district.

22 26. YouTube's main business is advertising. It generates revenue by selling advertising
23 space on its website and mobile apps. Advertisers can target their ads to specific demographics,
24 interests, and even keywords. This allows them to reach their target audience with a high degree of
25 accuracy. YouTube also earns revenue from its YouTube Premium subscription service. YouTube
26 Premium members can watch videos without ads, download videos for offline viewing, and access
27 YouTube Music Premium. In addition to advertising and subscriptions, YouTube also generates
28 revenue from other sources, such as channel memberships.

27. YouTube is a very profitable business. In 2021, it generated \$28.8 billion in revenue and \$20.6 billion in profit. Some of the factors that have contributed to YouTube's success are:

- a. The large number of users: YouTube has over two billion active users worldwide.
- b. The high level of engagement: Users watch an average of 1 hour and 20 minutes of YouTube videos per day.
- c. The wide variety of content: YouTube offers a wide variety of content, from music videos to educational tutorials to funny cat videos.
- d. The ease of use: YouTube is easy to use and navigate.
- e. The monetization opportunities: YouTube offers a variety of ways for creators to monetize their content, such as through advertising, channel memberships, and Super Chat.

DEFENDANTS

28. TIM LOVE and AUSTRALIAN NEWS CHANNEL PTY LTD operate the YOUTUBE CHANNEL named SKY NEWS AUSTRALIA.

29. It is believed that Tim Love is an employee of Australian News Channel Pty Ltd.

30. Tim Love submitted the counternotice in response to Plaintiffs' takedown notices. *See*

Exhibit 4.

31. Defendants copied and downloaded Plaintiffs' copyrighted Works from YouTube.

32. After Defendants downloaded Plaintiffs' Works, they edited the Works and then uploaded infringing versions of Plaintiffs' Works to YouTube.

33. Defendants copied Plaintiffs' Works in order to advertise, market and promote their YouTube channel, grow their YouTube channel subscriber base, earn money from advertising to their YouTube subscribers, and engage in other money-making business activities using Plaintiffs' copyrighted media content.

34. Defendants committed the violations alleged in connection with Defendants' businesses for purposes of advertising to the public, including YouTube viewers in California, in the course and scope of the Defendants' business.

1 35. The YouTube and Google AdSense terms of service prohibit the Defendants from
2 engaging in the actions alleged herein. Specifically, the Defendants agreed (1) they are not allowed
3 to upload content that includes third-party intellectual property (such as copyrighted material) unless
4 with permission from that party or are otherwise legally entitled to do so; (2) they are responsible for
5 the content uploaded to YouTube, and may be liable for any copyright infringement claims that arise
6 from your content; (3) YouTube may remove or disable access to any content that it believes
7 infringes on someone else's copyright.

8 36. Attached hereto as **Exhibit 1** is a list showing the Defendants' links to its channel,
9 and the Plaintiffs' Works that are the subject of this action.

10 37. The Defendants' YouTube channel is extremely popular and valuable.

11 38. The Defendants' YouTube channel earns significant revenue from the performance
12 and display of pirated video content.

13 39. The Defendants monetized the videos it stole from Plaintiffs. Monetizing videos on
14 YouTube involves enabling advertisements to be displayed on your videos, which allows you to earn
15 money through the YouTube Partner Program. The process works like this:

16 a. Eligibility: To monetize your videos, you need to meet certain eligibility
17 criteria set by YouTube. You have to have at least 1,000 subscribers on your channel and a
18 total of 4,000 watch hours in the past 12 months.

19 b. Joining the YouTube Partner Program: Once you meet the eligibility
20 requirements, you can apply to join the YouTube Partner Program (YPP). This program
21 allows you to monetize your videos by enabling ads on them. If your application is approved,
22 you gain access to various monetization features.

23 c. Ad Formats: YouTube offers different ad formats that can appear on your
24 videos, including pre-roll ads (shown before your video starts), mid-roll ads (shown during
25 longer videos), and display ads (overlayed on the video or beside it). The specific types of
26 ads displayed on your videos may depend on factors like the viewer's location and the
27 advertiser's targeting preferences.
28

d. Revenue Sharing: When ads are displayed on your videos, you earn a portion of the revenue generated by those ads. The exact revenue split varies, but generally, creators receive around 55% of the ad revenue, while YouTube retains the remaining 45%. The revenue is based on factors such as the number of ad impressions, viewer engagement, and the advertisers' bidding.

e. AdSense Account: To receive payments for your YouTube earnings, you need to have an AdSense account linked to your YouTube channel. AdSense is a program by Google that allows publishers (in this case, YouTube creators) to earn money from ads. Once your AdSense account is set up and linked to your YouTube channel, you can manage your earnings and payment settings.

f. Payment Threshold: YouTube pays creators once they reach a payment threshold, which is typically \$100. Once your earnings exceed this threshold, you become eligible for payment. YouTube offers various payment methods, such as direct deposit or wire transfer, depending on your country.

g. Other Revenue Streams: While ad revenue is a significant way to monetize your YouTube channel, creators often explore other revenue streams as well. These can include brand partnerships, sponsorships, merchandise sales, crowdfunding, and more.

40. Defendants had access to and downloaded Plaintiffs' copyrighted Works hosted by YouTube from Plaintiffs' affiliated YouTube channels or Facebook pages online.

41. Once downloaded, Defendants edited the pirated videos for re-upload. After editing the pirated videos, Defendants combined the Plaintiffs' videos with other video content that they either stole from others or created themselves and then reupload the resulting video to their YouTube channel and enabled advertising on them to earn monetization revenue.

THE COPYRIGHTED WORKS AT ISSUE

42. The authors of the Works at issue are listed in **Exhibit 1**, along with the URLs where the Works can be found online.

1 43. The Works at issue in this case are registered with the Register of Copyrights
2 pursuant to 17 U.S.C. § 411(a). Copies of the Registration Certificates are attached hereto as **Exhibit**
3 **3**.

4 44. At all relevant times, Plaintiffs were the exclusive agents of the Works at issue in this
5 case.

6 **INFRINGEMENT BY DEFENDANTS**

7 45. Defendants have never been licensed to use the Works at issue in this action for any
8 purpose.

9 46. On a date after the Works listed in **Exhibit 1** at issue in this action were created, but
10 prior to the filing of this action, Defendants copied the Works.

11 47. Defendants copied the Works, publicly performed the Works, and made further
12 copies and distributed the Works on the internet without Plaintiffs' or the authors' permission, and
13 without Plaintiffs' copyright management information.

14 48. Prior to the filing of this action, on a date after the Works were registered, Plaintiffs
15 discovered the unauthorized use of the Works by Defendants.

16 49. Plaintiffs notified YouTube and Defendants of the allegations set forth herein in
17 DMCA notices. Attached hereto as **Exhibit 5** are the Takedown notices.

18 **COUNT I - COPYRIGHT INFRINGEMENT**

19 50. Plaintiffs incorporate the allegations of paragraphs 1 through 49 of this Complaint as
20 if fully set forth herein.

21 51. Plaintiffs own valid copyrights in the Works at issue listed on **Exhibit 1**.

22 52. The Works at issue in this case were registered with the Register of Copyrights
23 pursuant to 17 U.S.C. § 411(a), as shown in **Exhibit 3**.

24 53. Defendants copied, displayed, and distributed the Works at issue in this case and
25 made derivatives of the Works without Plaintiffs' authorization in violation of 17 U.S.C. § 501.
26 Screenshots of the unauthorized uses are attached hereto as **Exhibit 2**.

27 54. Defendants profited from the monetization of Plaintiffs' copyrighted content by
28 placing advertising on the Plaintiffs' Works and those profits rightfully belong to Plaintiffs.

1 55. Plaintiffs have been damaged.

2 56. The harm caused to Plaintiffs is irreparable.

3 **COUNT II - FALSIFICATION OF COPYRIGHT MANAGEMENT INFORMATION**

4 57. Plaintiffs incorporate the allegations of paragraphs 1 through 49 of this Complaint as
5 if fully set forth herein.

6 58. Defendants knowingly and with the intent to induce, enable, facilitate, or conceal
7 infringement, provided copyright management information that is false.

8 59. By uploading content to YouTube, Defendants declared that they had the necessary
9 rights or permissions to distribute and share that content.

10 60. Defendants' YouTube channel provided identifying information for Defendants that
11 was copyright management information that is falsely claimed ownership or rights in the Works
12 displayed there that was false and provided to induce, enable, facilitate or conceal infringement of
13 Plaintiffs' Works in violation of 17 U.S.C. § 1202(a).

14 61. Defendants caused, directed and authorized others to commit these acts, knowing or
15 having reasonable grounds to know that they will induce, enable, facilitate or conceal infringement
16 of Plaintiffs' rights in the Works at issue in this action protected under the Copyright Act.

17 62. Plaintiffs have been damaged.

18 63. The harm caused to Plaintiffs has been irreparable.

19 WHEREFORE, Plaintiffs pray for judgment against the Defendants that:

20 a. Defendants, their officers, agents, servants, employees, affiliated entities, and
21 all of those in active concert with them, be preliminarily and permanently enjoined from
22 committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;

23 b. Defendants be required to pay Plaintiffs' actual damages and Defendants'
24 profits attributable to the infringement, or, at Plaintiffs' election, statutory damages, as
25 provided in 17 U.S.C. §§ 504, and 1203;

26 c. Plaintiffs be awarded their attorneys' fees and costs of suit under the
27 applicable statutes sued upon;

28 d. Plaintiffs be awarded pre- and post-judgment interest; and

e. Plaintiffs be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury of all issues so triable.

DATED: July 8, 2025

Respectfully submitted,

/s/ Matthew L. Rollin

MATTHEW L. ROLLIN

SRIPLAW, P.A.

*Counsel for Plaintiff Global Weather Productions,
LLC, Brett Adair, Kannon Kalton and Reed Timmer*